

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DERRICK CARPENTER,)
)
)
PLAINTIFF,)
)
ARAMARK Correctional Services, LLC, et al.) NO. 10-CV-0763
)
) Hon. Joan B. Gottschall
DEFENDANTS.)

**DEFENDANT ARAMARK CORRECTIONAL SERVICES, LLC'S
ANSWER TO PLAINTIFF'S COMPLAINT**

Defendant, ARAMARK Correctional Services, LLC (hereinafter "ARAMARK"), by its attorneys Timothy Young and Lisa Taylor of Lewis Brisbois Bisgaard & Smith, LLP and for its answer to Plaintiff's Complaint, states as follows:

1. I'm a Hebrew Israel-lite, a member of the semitic people claiming descent from Abraham, Isaac, and Jacob. I'm a detainee at Cook County jail. On 9-30-09 I was housed in Division #9. I wrote a grievance about not receiving a kosher diet.

ANSWER: ARAMARK has insufficient information to either admit or deny Plaintiff's religion. In further answer, ARAMARK denies the remaining allegations of paragraph 1.

2. I previously filled out a request slip as instructed from the Division #9 social worker Ms. V. Butler. Ms. Butler inform me that I needed to file a grievance.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 2.

3. Social worker V. Butler notified her supervisor of my request. On 10-12-09 I file another grievance to social work V. Butler of Division #9 about my kosher diet.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 3 regarding Plaintiff's contact with the social worker. In further answer, ARAMARK denies the remaining allegations of paragraph 2.

4. On 10-16-09 the Social Worker referred grievance to central kitchen of Cook County Jail. I later received a response from my previous grievance. It stated, "although your name is on the kosher list from D.O.C., Aramark is still awaiting approval." I was losing a lot of weight due to no one taking my diet seriously.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 4.

5. Several weeks later on 12-1-09 I wrote another grievance. At this time I was housed in Division #10 tier (4C). I still didn't receive my kosher diet. In the process of waiting I had to trade my food for bread, juice, and fruit from other detainees.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 5.

6. I'm a psych patient and I take psycotrophic medication. Due to me not eating healthy I endured stomach pain and vomitting. I've been stress wounder if I would ever be able to practice my religion.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 6.

7. After the grievance system failed I declared a hunger strike. Which was 12-06-09 I inform Officer Carvajal of the strike. The Officer stated he didn't care, but he will log it in the book.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 7.

8. On 12-7-09 the 7-3 Officer which was Officer Carvajal was made aware again of my on going strike. He stated "I will write it in the log book. On 12-7-09 during the 3-11 shift I informed the Officer of my strike which was Ms. Hobbs. She said she would make her Sgt. Aware of my situation.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 8.

9. The Sgt. Came to sign the book which was Sgt Hamos of the 3-11 shift. I made the Sgt. aware of my strike. He stated: "I know, so you can get our my face now. I already told my boss." Jane Doe of the 11-7 shift was made aware of my hunger strike during breakfast on 12-08-09, she stated, "Ms. Hobbs already told me.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 9.

10. On 12-08-09 Officer Carvajal of the 7-3 shift was inform again of my strike during lunch time. He stated "he will write it in the log book." On 12-08-09 during the 3-11 shift Officer Hobbs was made aware again of my strike. She stated: "she would write it in the book."

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 2.

11. On 12-09-09 Officer Carvajal from the 7-3 shift worked the deck again. When the lunches came I told him I was still on strike. He stated: "I will write it in the log book do you

mind if I give it to my workers.” I said I don’t have nothing to do with it. So he gave my lunch to another detainee.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 11.

12. Later that day. The nurse come to medicate the deck. I told her of my stomach pains and my hunger strike. I ask to see a doctor. I was denied. She told me to fill out a medical from.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 12.

13. My hunger strike went on all the way until 12-11-09. Every Officer that worked (4C) of Division #10 was made aware. Division #10 was made aware. Division #10 is a medical building.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 13.

14. On 12-10-09 Lt. Blunt from the 7-3 shift stated she would try to help me. She stated she would talk to her supervisors later that afternoon I was taken on a psych evaluation. I never received medical attention from not eating.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 14.

15. Lt. Blunt called up to (4C) the same day and let the Officer which was Elmore from the 7-3 shift, know that to let me know: “John Mueller, and Central Kitchen said: Aramark is the ones responsible for getting me my kosher diet.”

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 15.

16. From 12-06-09 until 12-11-09 every Officer was notified of my hunger strike. On 12-11-09 Lt. Blunt came on (4C) and stated: "I want you to eat something. At least trade the unkosher items for fruit. I will work on getting you your kosher diet."

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 16.

17. The date is now 1-26-2010, and I still have not receive my kosher diet. I'm still unable to practice my religion. Aramark is responsible for making sure detainees receive any special diet requested by the County Jail of Cook. In the process I obtain major injuries to my body.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 17.

18. Cook County Jail Central kitchen is allies with Aramark, and it was just as much there responsibility to make sure that I receive my kosher diet.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 18.

19. Sheriffs of Cook County Jail, Tom Dart, S.Godinez, and there Officials of Division #10 is responsible, because there allies with Aramark and central kitchen.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 19.

20. And the Officials of Division #10 didn't take proper matters with my hunger strike, and I was in a lot of pain, and I didn't receive any medical treatment. My injuries are still on going because I still have not received my kosher diet. So I turn to the courts for help.

ANSWER: ARAMARK has insufficient information to either admit or deny the allegations of paragraph 20.

21. I will like to receive \$250,000 in damages and deliberate indifference and etc. And I will like to receive my kosher diet, and for Aramark to stop delaying detainees there rights to special diets because the process is taking to long of a time.

ANSWER: ARAMARK denies the allegations and legal conclusions contained in paragraph 21.

WHEREFORE, ARAMARK Correctional Services, LLC respectfully request this Honorable Court enter judgment in its favor and against DERRICK CARPENTER, together with such further award in Defendant's favor as the Court may deem equitable or appropriate in law.

AFFIRMATIVE DEFENSES

Defendant, ARAMARK Correctional Services, LLC ("ARAMARK") by its attorneys Timothy J. Young and Lisa M. Taylor of LEWIS BRISBOIS BISGAARD & SMITH, LLP, and as Affirmative Defenses to Plaintiff's Complaint at Law, states as follows:

Given the above, pleading in the alternative only, and without making any admissions of fault, ARAMARK asserts the following affirmative defenses.

FIRST AFFIRMATIVE DEFENSE

Plaintiff has failed to state his claims with sufficient particularity to permit the answering defendant to raise all appropriate defenses, and therefore, answering defendant reserve its right to assert additional defenses when the answering defendant learns all of the facts and

circumstances, whether or not submitted and/or tendered, and as discovery and investigation in this action continue.

SECOND AFFIRMATIVE DEFENSE

Upon information and belief that whatever damages the plaintiff may have sustained at the time and place mentioned in the Complaint were caused in whole or in part by the culpable conduct of said plaintiff. The amount of damages recovered, if any, shall therefore be diminished in the proportion to which said culpable conduct, attributable to plaintiff bears to the culpable conduct which caused said injuries.

THIRD AFFIRMATIVE DEFENSE

Upon information and belief that the plaintiff, if he may have sustained any injuries at the time and place and upon the occurrence mentioned in the complaint, assumed the risk of sustaining same under the conditions and circumstances then and there existing.

FOURTH AFFIRMATIVE DEFENSE

Upon information and belief that injuries and damages alleged were caused by the culpable conduct of some third person or persons over whom answering defendant neither had nor exercised control.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff failed to mitigate, obviate, diminish or otherwise act to lessen or reduce the injuries, damages and disabilities alleged in the Complaint.

SIXTH AFFIRMATIVE DEFENSE

That the Complaint herein or a part thereof fails to state a cause of action upon which relief may be granted.

SEVENTH AFFIRMATIVE DEFENSE

While the answering defendants deny plaintiff's allegations of negligence, liability, statutory liability, strict liability, injury and damages, if proven, they were the result of intervening and/or interceding acts of superseding negligence, liability, statutory liability, strict liability on the part of the parties over which the answering defendant neither control nor has the right to control, and for which acts or omissions the answering defendant is not legally responsible.

EIGHTH AFFIRMATIVE DEFENSE

That the contributory negligence of the plaintiff has barred him from relief against this answering defendant. If the accident occurred as a result of the plaintiff's own provocation, improper and culpable conduct and the plaintiff is thereby guilty of contributory negligence as a result thereof, in whole or in part.

NINTH AFFIRMATIVE DEFENSE

Plaintiff is barred from claiming or recovering any relief set forth in the Complaint because plaintiff has not suffered any harm, damage or loss.

WHEREFORE, the answering defendant, ARAMARK Correctional Services, LLC request judgment dismissing the Complaint and awarding defendant judgment against the plaintiff, together with costs, disbursements and counsel fees incurred in the defense of this action and such other and further and different relief as this Court may deem just and proper.

Respectfully submitted,

s/ Lisa M. Taylor

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